

Congress of the United States
House of Representatives
Washington, DC 20515-0603

February 11, 2022

The Honorable Meryl Harrell
Deputy Under Secretary, Natural Resources and Environment
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Deputy Under Secretary Harrell:

We write to you today regarding the U.S. Department of Agriculture (USDA) Forest Service's Proposed Rule Establishing Annual Programmatic Administrative Fees for Communications Use Authorizations published on December 22, 2021.

We believe that the current comment period which closes on February 22, 2022, 11-days from today, is much too short for the entities with current use authorizations and those who may seek such authorizations in the future to fully digest the proposed rule and provide USDA with information on the true impact of the proposed rule. We therefore request an additional 30-day extension of the public comment period.

Though USDA projects insignificant economic impacts, we have heard from a number of small businesses and county managers with existing use authorizations, often for use in responding to emergencies, that do not agree. In fact, your estimate of \$3,400 – \$4,800 per entity, is only 1/3 of the actual new costs some have calculated the fee will be based on the proposed rule. As you know there were more than 1,400 unique entities and more than 4,000 communications use authorizations in 2019. Many of them qualify as small businesses, small governmental entities, and small organizations.

As you state in the proposed rule the use of communication services on federal lands is essential in rural areas. They already pay user fees and now you propose to add another administrative fee on top. One that may have a more significant impact on these small entities than you estimate. It should also be noted this new administrative fee is to cover the cost of administering the program, that is salaries and expenses, not exactly maintenance of infrastructure.

By its own admission, USDA has crafted a one-size-fits-all administrative fee structure without regard to specific use authorizations, service areas, or ability to pay. We ask for clarification on the specific entities or authorizations that should be excluded or exempted from the proposed administrative fees given existing inter-governmental agreements. Given the potential impacts to small entities, including those who provide emergency services that could occur under the proposed fee structure, it is both reasonable and prudent to ensure the public has sufficient time and opportunity to provide meaningful feedback.

We appreciate your attention and consideration on this matter and look forward to hearing from you soon. As always, we ask that this matter be handled in strict accordance with agency rules, regulations, and guidelines.

Sincerely,



Lauren Boebert
Member of Congress



Dan Newhouse
Member of Congress



Matthew Rosendale Sr.
Member of Congress



Jaime Herrera Beutler
Member of Congress



Doug LaMalfa
Member of Congress



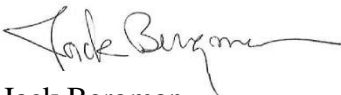
Diana Harshbarger
Member of Congress



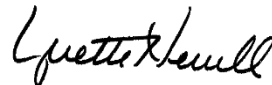
Cliff Bentz
Member of Congress



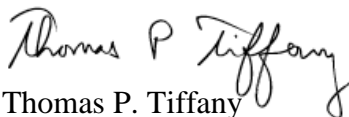
Jody Hice
Member of House



Jack Bergman
Member of Congress



Yvette Herrell
Member of Congress



Thomas P. Tiffany
Member of Congress